

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 07/14/2003
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 06/05/2003.

TITLE: Estuary Restoration Act Database Projects

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0479

EXPIRATION DATE: 07/31/2006

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	1,000	3,000	0
Difference	1,000	3,000	0
Program Change		3,000	0
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
ESTUARY RESTORATION ACT DATABASE PROJECTS**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

This information collection is needed to assist in the administration of the Estuary Restoration Act Database. The Estuary Restoration Act (ERA) of 2000 was signed into law in November 2000 and makes restoring our nation's estuaries a national priority. The Act promotes the restoration of one million acres of estuarine habitat by 2010 by leveraging limited federal resources with state, local, and private funding. As part of the Act, NOAA is required to develop and maintain a database of estuary restoration projects. The purpose of the database is to provide information to improve restoration methods, provide information for reports transmitted to Congress (Section 108 (b)), and track the acres of habitat restored toward the million-acre goal. Project information collected and maintained will be made available to the public through various queries and reports. The database is to contain project information for projects funded through the ERA as well as non-ERA project data that meet quality control requirements and data standards established under the Act. This information collection is a requirement for only those parties receiving ERA funds. The entry of project information is optional for projects that are not funded through the ERA but meet project requirements for the ERAD.

The ERAD was developed using another project tracking database housed in the NOAA Fisheries' Restoration Center. The existing Restoration Center Database (RCDB) was developed to track habitat restoration projects implemented and/or funded by the NOAA Restoration Center. Many projects within the RCDB meet the project requirements for the Estuary Restoration Act Database. Therefore, the Estuary Restoration Act and Restoration Center databases will be merged into one database to avoid duplication of effort and unnecessary burden to respondents. A separate PRA request has been submitted for the Restoration Center's Community-based Restoration Program (CRP) on January 9, 2003. The submission was approved on April 3, 2003 under OMB number 0648-0472. This request requires recipients of CRP funding to provide information regarding the status and success of funded projects in the form of periodic performance reports and final reports. Information collected by this request will be tracked using the RCDB. The respondents to the CRP information request will not be from the same universe of respondents as the ERA Database request. Details on the CRP request are available in Item 4.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The purpose of the Estuary Restoration Act Database is to collect information on estuary habitat restoration projects to track project success and to improve restoration methods. The information collected by the database will be used by NOAA Restoration Center staff and the

Estuary Restoration Act Work Group for reports transmitted to Congress as well as for responding to other inquiries. Reports to Congress will take place every other year beginning in the fall of 2003. Reports to Congress will consist of an overview of the status of the database including acres of habitat restored, monitoring information, and database maintenance efforts. Other requests for information may also be made by upper level NOAA management, other federal agencies, nonprofit organizations, and members of the public.

To facilitate these requests for information, the information contained in the Estuary Restoration Act Database will be completely accessible to the public via on-line query forms and reports on the ERAD Web site.

Parties receiving ERA funds will be required to enter information into ERAD on-line through the ERAD Web site (URL to be determined). A summary of the questions asked for the database is below.

The information collection by ERAD will consist of:

- (a) General Information – Basic project information such as project title, whether the project is funded by the ERA and if not, whether it meets the specific requirements to be counted as an ERA project, a topic sentence describing the project, the current status of the project including the date planning was initiated, estimated and actual implementation start dates, and implementation completion date, the size of the project, and links to monitoring data. In addition, this area identifies specific questions for ERA-funded projects such as the primary partner, lead federal agency, date of the funding agreement, and whether the project qualifies as an innovative technology project, which is defined by the Estuary Restoration Act.
- (b) Abstract – a detailed description of the project with background about the site, impacts to the site, project information, and additional information about partners, acres restored, timeline, etc.
- (c) Contact Information – basic details necessary to identify and contact project managers such as name, title, address, organization, city, state, zip code, phone and fax numbers, e-mail, and URL for Web sites.
- (d) Geographic Location – details on the physical location of the project site including city, county, state/territory/province (for Canadian projects), region, zip code, USGS HUC code, longitude, latitude, USGS topographic quadrangle, congressional district, and whether a GIS layer is available for the project boundary.
- (e) Habitat Types – a listing of habitat types restored as well as number of acres restored (by acres created, re-established, or rehabilitated) and benefited (acres enhanced or protected) for each habitat type, as well as stream miles, and methods used for obtaining acreage and stream mile values. The method for obtaining acreage and stream miles is an important field because it helps to determine the reliability of a reported value.
- (f) Restoration Techniques – list of techniques used to restore each habitat type. Detailed descriptions of each technique and its success are also provided to highlight the benefits and pitfalls of using various restoration methods. This information will be used to improve restoration methods as a whole.
- (g) Monitoring and Success Criteria – monitoring parameters will be listed for all habitat types restored. Detailed monitoring information will also be provided including monitoring frequency, methods, start and end dates, as well as success criteria used for determining

project success.

- (h) Project Goals – details on short-term and long-term goals of the restoration project including descriptions of goals, date that goal is expected to be met, and additional comments.
- (i) Project Benefits – details on unanticipated project benefits as well as brief descriptions of these benefits. Project benefits are defined as benefits resulting from this project that were not a part of original project goals. Therefore, project benefits cannot be the same as project goals.
- (j) Restoration Plans – Title, date, lead organizations, URL, and type of restoration plan that the project contributes to.
- (k) Project Funding – project support provided by Federal and non-Federal entities as well as the original proposed cost estimate for the project, the total actual cost of the restoration, and the cost of monitoring. This information will allow restoration practitioners to compare the costs of project implementation and how often actual costs exceed projections.
- (l) Project Partners – details on support (e.g. planning, funding, technical assistance) provided by other organizations including partner name, type of partner, URL, and roles.
- (m) Project Pictures – Images showing the progress of the project such as before, during and after pictures of the restoration. Each image will contain a caption, credit, and date. These pictures will be used for dynamic project Web pages that will be available on the ERA Database Web site.

All of the information collected by ERAD will be made available to the public on-line through the ERAD Web site. Therefore, the Section 515 Information Quality Guidelines apply to this information collection and comply with all applicable information quality guidelines, i.e., OMB, Department of Commerce, and NOAA guidelines. Several measures will be taken to ensure compliance. The database will be a publicly accessible site but it will be password protected and limited to users with eligible projects to enter into the database. Several business rules have also been created to ensure that information entered into the database cannot be tampered with by other users (e.g. unless permissions are otherwise granted, restoration practitioners can only edit projects that they originally entered into the database). New projects will first undergo a screening process where they must meet a few basic requirements prior to being accepted into the database. Database administrators will review all new projects prior to accepting them into the database. Upon acceptance, restoration practitioners can edit and update project information. The information collected by ERAD will undergo an additional quality assurance and quality control (QA/QC) process prior to being disseminated to the public for queries and reports. Each individual project will be reviewed by database administrators prior to being made available to the public. This process will be repeated whenever a project is updated. In addition, a description of the data collection, QA/QC, and dissemination processes as well as an overview of data sources and limitations will be made available upon request. The Web site will also clearly state that information from the database is not completely generated by NOAA.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The collection of information for the Estuary Restoration Act Database will be completely automated. Restoration practitioners will electronically submit project information via an on-line data entry form located on the ERAD Web site. Project information will be entered into the

Estuary Restoration Act Database by restoration practitioners from Federal, State, and local governments, non profit organizations, and other entities across the country. Restoration practitioners may have different levels of technical expertise. Therefore, ERAD will be easily accessible and have a user-friendly, intuitive interface for both data queries and data entry via the Internet. It will allow restoration practitioners (i.e., data entry users) to update project entries without specific technical database training. The database will contain a comprehensive on-line user's guide, a data dictionary, specific instructions, and examples for each field. Restoration practitioners will use personal computers to access the data entry form and enter project information. Restoration practitioners have the option of using a data entry form in PDF format to assist them in collecting project information for the database. The purpose of this form is to assist restoration practitioners in information collection and is not intended to be a substitute for entering information into the database. This form will be available for saving and printing on the ERAD Web site. All the information collected will be made available for querying and reports on the ERAD Web site without the need for username and password.

To obtain project coordinate information (longitude and latitude), restoration practitioners may choose to use hand-held Global Positioning Systems (GPS) or numerous on-line mapping applications, but these options are not required for projects. However, users must state how acreage and stream mile measurements were obtained (e.g. GPS, land surveys, aerial photography) in the data entry form.

4. Describe efforts to identify duplication.

NOAA Fisheries' Restoration Center maintains an existing database of restoration projects that is used to track projects funded and implemented by the Restoration Center. This database is populated by Restoration Center staff using materials from progress reports and direct conversations with restoration practitioners. A separate PRA request was submitted for the Restoration Center's Community-based Restoration Program (CRP) on January 9, 2003. The submission was approved on April 3, 2003 under OMB number 0648-0472. This request requires recipients of CRP funding to provide information regarding the status and success of funded projects in the form of periodic performance reports and final reports. The information will be used to populate the Restoration Center's existing database. The ERAD information request is a similar request for information but since it is a different program, it does not encompass the same projects or the same data fields as the CRP request. In addition, the respondents to the CRP information request will not be from the same universe of respondents as the ERA Database request. Therefore, a separate request is needed for ERAD.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Only projects funded through the Estuary Restoration Act are required to submit project information into ERAD. A pre-formatted PDF of the data fields is provided to assist in the collection of information prior to being entered into the database. Specific instructions and definitions for data fields are also provided on the data entry form. Technical support is also available via e-mail. The information to be collected is very basic and should not be a burden for small entities receiving ERA funding to produce.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the information is not collected it will be impossible to provide accountability on the expenditure of Federal funds for estuary habitat restoration activities under the ERA or to validate performance measures, and timely responses to any Freedom of Information Act requests would be inhibited. Progress reports are to be submitted annually, and no less frequent collection is feasible for providing sufficient information to monitor awards to ensure Federal monies are properly used.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The proposed collection of information will be conducted in a manner that is consistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A *Federal Register* notice (attached) solicited public comment on this information collection. No comments were received. Consultations with interested and affected persons are an integral part of this information collection, and were accomplished by discussion with a representative cross-section of current grantees to explain and clarify the information needed. Consultations will be held with future grantees on an irregular basis as necessary regarding annual progress reports to ensure they understand these information requirements.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts will be provided to anyone that receives ERA funds.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

The information collection does not request any proprietary or confidential information. No confidentiality is provided.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No information of a sensitive nature is collected.

12. Provide an estimate in hours of the burden of the collection of information.

Estimated annual burden hours and costs for this collection will be 3,000 hours and zero dollars as detailed below. However, it should be noted that data collected for the ERA database is intended to provide information to restoration practitioners throughout the country, including those entering the data. Therefore, the burden of data collection is expected to be offset (and in some cases exceeded) by the benefits accrued to restoration practitioners from having access to a national database for project tracking and data queries.

For the fiscal year 2003, \$1 million in funding is available through the ERA for estuary habitat restoration projects. NOAA expects no more than 100 restoration projects to be awarded ERA funding in FY2003 with an average award of \$100K. Assuming continued project funding under the ERA, NOAA expects between 100 and 200 new awards to be made annually. NOAA estimates that up to 400 additional projects will be entered to the database annually on a voluntary basis. Using these assumptions and assuming that one project is entered or updated by a single respondent, NOAA estimates that in year one, 500 new projects will be entered into the database. In year two, an additional 500 projects will be entered into the database and the existing 500 projects will be updated. In year three, another 500 projects will be added to the database and the existing 1000 projects will be updated. On average, 500 projects will be added to the database and 500 existing projects will be updated on an annual basis.

For new projects, the total response time per project is estimated at four hours -- approximately three hours spent collecting project information and writing the project abstract and one hour for entering information into the database. For projects that are already in the database and are being updated, the total response time per project is estimated at two hours: 1 hour 30 minutes for collecting new project information and 30 minutes to update the information in the database. Assuming approximately 500 new projects being entered into the database and 500 existing projects updated each year, the total burden would be 3000 (500 x 4 hours for new projects plus 500 x 2 hours for updating existing projects) hours per year.

These totals include the time for reviewing instructions, searching existing data sources, and gathering and maintaining project information needed to answer database questions based on information that awardees should have readily available, and the one-time need to use a GPS or internet URL to determine latitude and longitude coordinates of project sites.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

No capital or start-up costs are expected to result from this collection by the respondents. Operations and maintenance costs are expected to be limited to Internet and computer access for submitting project information to the ERA database. It is expected that existing computer equipment and Internet connections will be used by respondents at little to no additional cost. Therefore, there is no total annual cost burden to respondents.

14. Provide estimates of annualized cost to the Federal government.

It is anticipated that one full-time employee (FTE) will devote no more than 10% of their time annually to QA/QC project information submitted by this request. One contractor will devote no more than 20% of their time annually to supervise and task a contractor and QA/QC project information submitted by this request. One contractor will provide 25% of their time to maintain the database. With an annual average salary of \$50,000 per FTE at 10% time (\$5,000), an annual salary of \$40,000 for an ORISE contractor at 20% time (\$8,000), and an annual salary for an ORACLE database contractor of \$75,000 at 25% time (\$18,750), the annualized cost to the Federal government to conduct this information collection is estimated to be \$31,750. No significant equipment, overhead, printing or other costs should be involved with the processing of this information collection.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a proposed new information collection.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The results of this collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

NOAA's Estuary Restoration Act Database

Project Data Form

OMB Approval No. _____

Expires _____

GENERAL INFORMATION

1. What is the name of this project?

2. What type of project is this?

- ☐ ERA-funded
☐ Compensatory (required by state or federal law)
☐ None of the above.

3. Provide a topic sentence summarizing this project.

4. Does this project include monitoring to gauge the success of restoration efforts?

- ☐ Yes
☐ No

5. What is the status of this project? Select One:

- ☐ Planning Stage
☐ Implementation Stage
☐ Implementation Complete/Monitoring Ongoing
☐ Project Terminated

6a. Provide the dates for each stage of this project as it occurs.

Note: For projects in the planning stage, provide estimated implementation stage start date.

Planning start date: _____ (MM/YYYY)
Estimated implementation start date: _____ (MM/YYYY)
Actual implementation start date: _____ (MM/YYYY)
Implementation completion date: _____ (MM/YYYY)

6b. If the project was terminated before implementation was complete, provide date of termination.

_____ (MM/YYYY)

7. What is the size of the area which was/will be directly manipulated?

_____ (Acres)

8. What is the overall size of the area being monitored?

_____ (Acres)

9. How were the measurements in questions 6 & 7 obtained (e.g. aerial photography, GIS, land surveys, etc)?

10.If available, provide a URL for monitoring data.

*****Questions for ERA-funded projects only: *****

11. Provide the name of the primary non-federal sponsor/interest to the ERA funding agreement.

12. Provide the name of the lead federal agency. Select One:

- ☐ Army Corps of Engineers (ACE)
- ☐ National Oceanic and Atmospheric Administration (NOAA)
- ☐ U.S. Department of Agriculture (USDA)
- ☐ U.S. Environmental Protection Agency (EPA)
- ☐ U.S. Fish and Wildlife Service (FWS)
- ☐ Department of Transportation (DOT)

13. Provide the date of the ERA funding agreement.

_____ (MM/YYYY)

14. Has this project qualified as an innovative technology project as defined by the Council's Strategy?

- ☐ Yes
- ☐ No

If yes, please briefly describe the innovative technology.

15. Provide the ERA project number. _____

ABSTRACT

CONTACT INFORMATION

Provide information for up to two primary project contacts.

1. Information for Contact 1

First Name: _____ Last Name: _____

Position Title: _____

Office: _____

Address 1: _____

Address 2: _____

City: _____ State/Territory/Province: _____ Zip Code: _____

Phone: _____ Fax: _____

E-mail: _____

Agency/organization/project Web site address: _____

2. Information for Contact 1

First Name: _____ Last Name: _____

Position Title: _____

Office: _____

Address 1: _____

Address 2: _____

City: _____ State/Territory/Province: _____ Zip Code: _____

Phone: _____ Fax: _____

E-mail: _____

Agency/organization/project Web site address: _____

PROJECT LOCATION

1. Where is this project located?

State/Territory/Province: _____

County/Parish: _____

City: _____

Tribe: _____

Region (see map in user guide): _____

Zip Code (+4 if known): _____

USGS 8-digit HUC: _____

Latitude/Longitude (center of project site in decimal degrees):

X coordinate (longitude) _____

Y coordinate (latitude) _____

USGS Topographic Quadrangle: _____

Congressional District: _____

2a. Is there a GIS data layer (polygon) showing the boundaries of the area (to be) restored?

___ Yes ___ No

2b. If yes and GIS contact is not listed as the primary project contact, please provide:

Contact first name _____ Contact last name _____

Contact phone number _____ Contact e-mail _____

HABITAT TYPES AND ACREAGE RESTORED

Please provide information on the habitat types which have been restored and/or will be restored by this project. Since a given project may restore multiple habitat types, please provide information for each habitat type restored.

1. Habitat types and acreage restored:

Habitat Type Restored (see Table 1) ¹	Estimated acreage to be restored:	For acres already restored, how many acres were:				
		Restored			Benefited (not counted toward million acre goal)	
		Created?	Re-established?	Rehabilitated?	Enhanced? ²	Protected? ²

NOTES:

¹ For projects providing fish passage, please provide acreage information only for habitat actually restored (e.g. via stream channel, restructuring, placement of woody debris, best management practices, etc.), NOT for entire stream area opened to fish migration (this information can be provided at the end of this section).

² Acres reported in the "Enhanced" and "Protected" categories should not duplicate acres reported in the "Restored" category. If the same project acreage has been enhanced or protected as well as restored, report those acres only in the "Restored" category.

2. What method (e.g. aerial photography, GIS, land surveys) was used to determine the number of acres reported above as created, re-established, rehabilitated, enhanced and/or protected?

*****River/Stream projects only*****

3. If acreage information is not available, please provide the number of stream miles restored by this project. **NOTE:** These miles will not be counted toward the million-acre goal, and should not duplicate acreage already reported.

_____ (Miles)

4. If this project provided fish passage, how many stream miles were opened to anadromous fish?

_____ (Miles)

RESTORATION TECHNIQUES

For each of the habitats listed above, please add restoration techniques used to restore each habitat type. Since a given project may restore multiple habitat types, please provide information on restoration techniques for each habitat type restored.

Habitat Type Restored (from list above)	Restoration technique used to restore this habitat (see Table 1)	Description of Technique (e.g. materials used, plant spacing)	Success of this technique	Comments on success
			<input type="checkbox"/> Very successful <input type="checkbox"/> Somewhat successful <input type="checkbox"/> Not successful <input type="checkbox"/> Not yet known	
			<input type="checkbox"/> Very successful <input type="checkbox"/> Somewhat successful <input type="checkbox"/> Not successful <input type="checkbox"/> Not yet known	
			<input type="checkbox"/> Very successful <input type="checkbox"/> Somewhat successful <input type="checkbox"/> Not successful <input type="checkbox"/> Not yet known	
			<input type="checkbox"/> Very successful <input type="checkbox"/> Somewhat successful <input type="checkbox"/> Not successful <input type="checkbox"/> Not yet known	
			<input type="checkbox"/> Very successful <input type="checkbox"/> Somewhat successful <input type="checkbox"/> Not successful <input type="checkbox"/> Not yet known	

MONITORING AND SUCCESS CRITERIA

For each of the habitat types listed above, please list the parameters that were used to monitor each habitat type. Since a given project may restore multiple habitat types, please provide monitoring and success information for each habitat type restored.

Habitat Type Restored from above:

Monitoring Parameter (see Table 1)	Description (e.g. methods, frequency, etc.)	Monitoring start date (MM/YYYY)	Monitoring end date (MM/YYYY)	Quantitative Success Criteria (e.g. water depth > x for x hours/day)	Have the success criteria been met?	Comments on success criteria
					<input type="checkbox"/> Not yet known <input type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None	
					<input type="checkbox"/> Not yet known <input type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None	
					<input type="checkbox"/> Not yet known <input type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None	
					<input type="checkbox"/> Not yet known <input type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None	

NOTE: This section must be repeated for each habitat type restored listed above.

PROJECT GOALS

Please provide information on this project's goals.

Project Goals (see Table 2: Goals and Benefits)	Description of goal	Anticipated date for goal to be met	If implemented, has this goal been met?	Comments
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not yet known	
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not yet known	
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not yet known	
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not yet known	

PROJECT BENEFITS

Please provide information on project benefits that were not originally anticipated. Project benefits should not be the same as project goals.

Project Benefits (see Table 2: Goals and Benefits)	Comments

RESTORATION PLANS

If this project is being carried out in support of an existing restoration plan please provide the following plan information:

Plan Title	Date (MM/YYYY)	Lead Organizations	Type of Plan	Plan URL

BUDGET INFORMATION

1. Provide the original proposed project cost estimate (planning and implementation only).

2. Provide the cost estimate for project monitoring.

3. If project implementation is complete, provide the total actual cost (planning and implementation only) of this project.

4. List amount(s) for all applicable funding sources:

Federal	Non-Federal
\$ Cash	\$ Cash
\$ In-kind	\$ In-kind
\$ Lands, easements, etc.	\$ Lands, easements, etc.

PARTNER INFORMATION

Add the following information for project partners:

Project Partner	Type of Partner (select one)	Web site URL	Partner Roles (select all that apply)	Additional information
	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> Non-profit <input type="checkbox"/> Business <input type="checkbox"/> Tribal <input type="checkbox"/> Private citizen		<input type="checkbox"/> Planning <input type="checkbox"/> Technical assistance <input type="checkbox"/> Project implementation <input type="checkbox"/> Monitoring <input type="checkbox"/> Funding <input type="checkbox"/> Lands, easement, etc. <input type="checkbox"/> Other (describe)	
	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> Non-profit <input type="checkbox"/> Business <input type="checkbox"/> Tribal <input type="checkbox"/> Private citizen		<input type="checkbox"/> Planning <input type="checkbox"/> Technical assistance <input type="checkbox"/> Project implementation <input type="checkbox"/> Monitoring <input type="checkbox"/> Funding <input type="checkbox"/> Lands, easement, etc. <input type="checkbox"/> Other (describe)	
	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> Non-profit <input type="checkbox"/> Business <input type="checkbox"/> Tribal <input type="checkbox"/> Private citizen		<input type="checkbox"/> Planning <input type="checkbox"/> Technical assistance <input type="checkbox"/> Project implementation <input type="checkbox"/> Monitoring <input type="checkbox"/> Funding <input type="checkbox"/> Lands, easement, etc. <input type="checkbox"/> Other (describe)	
	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local <input type="checkbox"/> Non-profit <input type="checkbox"/> Business <input type="checkbox"/> Tribal <input type="checkbox"/> Private citizen		<input type="checkbox"/> Planning <input type="checkbox"/> Technical assistance <input type="checkbox"/> Project implementation <input type="checkbox"/> Monitoring <input type="checkbox"/> Funding <input type="checkbox"/> Lands, easement, etc. <input type="checkbox"/> Other (describe)	

PROJECT PICTURES

You may upload up to 3 pictures of your restoration project to the ERA Database. These photos will be used in dynamic project pages that will appear on the ERA Database web site once your project record has been approved. For each picture, please provide the following information:

Picture File Name	Caption	Credit	Date of Picture (MM/YYYY)

NOTICE

Responses to this collection are required of grant recipients to support the Estuary Restoration Act. Collection of estuary habitat restoration project information will be undertaken in order to populate a restoration project database mandated by the Estuary Restoration Act of 2000. The database is intended to provide information to improve restoration methods, provide the basis for required reports to Congress, and track estuary habitat acreage restored. Estuary habitat restoration project information will be submitted by habitat restoration project managers through an interactive web site, and will be accessible to the public via Internet for data queries and project reports. Responses to this information collection are required to retain funding provided by the Estuary Restoration Act and optional for projects that are not funded through the ERA but meet project requirements for the ERA Database. Confidentiality will not be maintained – the information will be available to the public. Public reporting burden for this collection of information is estimated to average four hours for new responses and two hours to update existing responses in the database, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to the NOAA Fisheries Office of Habitat Conservation, Restoration Division, F/HC3, 1315 East West Highway, Silver Spring, MD 20910.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

The information collected will be reviewed for compliance with the NOAA Section 515 Guidelines established in response to the Treasury and General Government Appropriations Act, and certified before dissemination.

Public Law 106–457
106th Congress

An Act

To encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

Nov. 7, 2000
[S. 835]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Estuaries and Clean Waters Act of 2000”.

(b) TABLE OF CONTENTS.—

Estuaries and
Clean Waters Act
of 2000.
33 USC 2901
note.

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY RESTORATION

- Sec. 101. Short title.
- Sec. 102. Purposes.
- Sec. 103. Definitions.
- Sec. 104. Estuary habitat restoration program.
- Sec. 105. Establishment of Estuary Habitat Restoration Council.
- Sec. 106. Estuary habitat restoration strategy.
- Sec. 107. Monitoring of estuary habitat restoration projects.
- Sec. 108. Reporting.
- Sec. 109. Funding.
- Sec. 110. General provisions.

TITLE II—CHESAPEAKE BAY RESTORATION

- Sec. 201. Short title.
- Sec. 202. Findings and purposes.
- Sec. 203. Chesapeake Bay.

TITLE III—NATIONAL ESTUARY PROGRAM

- Sec. 301. Addition to national estuary program.
- Sec. 302. Grants.
- Sec. 303. Authorization of appropriations.

TITLE IV—LONG ISLAND SOUND RESTORATION

- Sec. 401. Short title.
- Sec. 402. Innovative methodologies and technologies.
- Sec. 403. Assistance for distressed communities.
- Sec. 404. Authorization of appropriations.

TITLE V—LAKE PONTCHARTRAIN BASIN RESTORATION

- Sec. 501. Short title.
- Sec. 502. Lake Pontchartrain basin.

TITLE VI—ALTERNATIVE WATER SOURCES

- Sec. 601. Short title.
- Sec. 602. Pilot program for alternative water source projects.

TITLE VII—CLEAN LAKES

- Sec. 701. Grants to States.

Sec. 702. Demonstration program.

TITLE VIII—TIJUANA RIVER VALLEY ESTUARY AND BEACH CLEANUP

Sec. 801. Short title.

Sec. 802. Purpose.

Sec. 803. Definitions.

Sec. 804. Actions to be taken by the Commission and the Administrator.

Sec. 805. Negotiation of new treaty minute.

Sec. 806. Authorization of appropriations.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Purchase of American-made equipment and products.

Sec. 902. Long-term estuary assessment.

Sec. 903. Rural sanitation grants.

TITLE I—ESTUARY RESTORATION

Estuary
Restoration Act
of 2000.
33 USC 2901
note.

SEC. 101. SHORT TITLE.

This title may be cited as the “Estuary Restoration Act of 2000”.

33 USC 2901.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to promote the restoration of estuary habitat;

(2) to develop a national estuary habitat restoration strategy for creating and maintaining effective estuary habitat restoration partnerships among public agencies at all levels of government and to establish new partnerships between the public and private sectors;

(3) to provide Federal assistance for estuary habitat restoration projects and to promote efficient financing of such projects; and

(4) to develop and enhance monitoring and research capabilities through the use of the environmental technology innovation program associated with the National Estuarine Research Reserve System established by section 315 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461) to ensure that estuary habitat restoration efforts are based on sound scientific understanding and innovative technologies.

33 USC 2902.

SEC. 103. DEFINITIONS.

In this title, the following definitions apply:

(1) COUNCIL.—The term “Council” means the Estuary Habitat Restoration Council established by section 105.

(2) ESTUARY.—The term “estuary” means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage. The term also includes near coastal waters and wetlands of the Great Lakes that are similar in form and function to estuaries, including the area located in the Great Lakes biogeographic region and designated as a National Estuarine Research Reserve under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) as of the date of enactment of this Act.

(3) ESTUARY HABITAT.—The term “estuary habitat” means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.

(4) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term “estuary habitat restoration activity” means an activity that results in improving degraded estuaries or estuary habitat or creating estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term “estuary habitat restoration activity” includes—

(i) the reestablishment of chemical, physical, hydrologic, and biological features and components associated with an estuary;

(ii) except as provided in subparagraph (C), the cleanup of pollution for the benefit of estuary habitat;

(iii) the control of nonnative and invasive species in the estuary;

(iv) the reintroduction of species native to the estuary, including through such means as planting or promoting natural succession;

(v) the construction of reefs to promote fish and shellfish production and to provide estuary habitat for living resources; and

(vi) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term “estuary habitat restoration activity” does not include an activity that—

(i) constitutes mitigation required under any Federal or State law for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) constitutes restoration for natural resource damages required under any Federal or State law.

(5) ESTUARY HABITAT RESTORATION PROJECT.—The term “estuary habitat restoration project” means a project to carry out an estuary habitat restoration activity.

(6) ESTUARY HABITAT RESTORATION PLAN.—

(A) IN GENERAL.—The term “estuary habitat restoration plan” means any Federal or State plan for restoration of degraded estuary habitat that was developed with the substantial participation of appropriate public and private stakeholders.

(B) INCLUDED PLANS AND PROGRAMS.—The term “estuary habitat restoration plan” includes estuary habitat restoration components of—

(i) a comprehensive conservation and management plan approved under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(ii) a lakewide management plan or remedial action plan developed under section 118 of the Federal Water Pollution Control Act (33 U.S.C. 1268);

(iii) a management plan approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); and

(iv) the interstate management plan developed pursuant to the Chesapeake Bay program under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).

(7) INDIAN TRIBE.—The term “Indian tribe” has the meaning given such term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) NON-FEDERAL INTEREST.—The term “non-Federal interest” means a State, a political subdivision of a State, an Indian tribe, a regional or interstate agency, or, as provided in section 104(f)(2), a nongovernmental organization.

(9) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(10) STATE.—The term “State” means the States of Alabama, Alaska, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Virginia, Washington, and Wisconsin, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and Guam.

33 USC 2903.

SEC. 104. ESTUARY HABITAT RESTORATION PROGRAM.

(a) ESTABLISHMENT.—There is established an estuary habitat restoration program under which the Secretary may carry out estuary habitat restoration projects and provide technical assistance in accordance with the requirements of this title.

(b) ORIGIN OF PROJECTS.—A proposed estuary habitat restoration project shall originate from a non-Federal interest consistent with State or local laws.

(c) SELECTION OF PROJECTS.—

(1) IN GENERAL.—The Secretary shall select estuary habitat restoration projects from a list of project proposals submitted by the Estuary Habitat Restoration Council under section 105(b).

(2) REQUIRED ELEMENTS.—Each estuary habitat restoration project selected by the Secretary must—

(A) address restoration needs identified in an estuary habitat restoration plan;

(B) be consistent with the estuary habitat restoration strategy developed under section 106;

(C) include a monitoring plan that is consistent with standards for monitoring developed under section 107 to ensure that short-term and long-term restoration goals are achieved; and

(D) include satisfactory assurance from the non-Federal interests proposing the project that the non-Federal interests will have adequate personnel, funding, and authority to carry out items of local cooperation and properly maintain the project.

(3) FACTORS FOR SELECTION OF PROJECTS.—In selecting an estuary habitat restoration project, the Secretary shall consider the following factors:

(A) Whether the project is part of an approved Federal estuary management or habitat restoration plan.

(B) The technical feasibility of the project.

(C) The scientific merit of the project.

(D) Whether the project will encourage increased coordination and cooperation among Federal, State, and local government agencies.

(E) Whether the project fosters public-private partnerships and uses Federal resources to encourage increased private sector involvement, including consideration of the amount of private funds or in-kind contributions for an estuary habitat restoration activity.

(F) Whether the project is cost-effective.

(G) Whether the State in which the non-Federal interest is proposing the project has a dedicated source of funding to acquire or restore estuary habitat, natural areas, and open spaces for the benefit of estuary habitat restoration or protection.

(H) Other factors that the Secretary determines to be reasonable and necessary for consideration.

(4) PRIORITY.—In selecting estuary habitat restoration projects to be carried out under this title, the Secretary shall give priority consideration to a project if, in addition to meriting selection based on the factors under paragraph (3)—

(A) the project occurs within a watershed in which there is a program being carried out that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat; or

(B) the project includes pilot testing of or a demonstration of an innovative technology having the potential for improved cost-effectiveness in estuary habitat restoration.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2) and subsection (e)(2), the Federal share of the cost of an estuary habitat restoration project (other than the cost of operation and maintenance of the project) carried out under this title shall not exceed 65 percent of such cost.

(2) INNOVATIVE TECHNOLOGY COSTS.—The Federal share of the incremental additional cost of including in a project pilot testing of or a demonstration of an innovative technology described in subsection (c)(4)(B) shall be 85 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project carried out under this title shall include lands, easements, rights-of-way, and relocations and may include services, or any other form of in-kind contribution determined by the Secretary to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the activity.

(4) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy to be developed under section 106, the Secretary may take interim actions to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration activity before the completion of the estuary habitat restoration strategy shall not exceed 25 percent of such cost.

(f) COOPERATION OF NON-FEDERAL INTERESTS.—

(1) IN GENERAL.—The Secretary may not carry out an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to—

(A) provide all lands, easements, rights-of-way, and relocations and any other elements the Secretary determines appropriate under subsection (d)(3); and

(B) provide for maintenance and monitoring of the project.

(2) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project to be undertaken under this title, the Secretary, in consultation and coordination with appropriate State and local governmental agencies and Indian tribes, may allow a nongovernmental organization to serve as the non-Federal interest for the project.

(g) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this title, the Secretary may delegate project implementation to another Federal department or agency on a reimbursable basis if the Secretary, upon the recommendation of the Council, determines such delegation is appropriate.

33 USC 2904.

SEC. 105. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.

(a) COUNCIL.—There is established a council to be known as the “Estuary Habitat Restoration Council”.

(b) DUTIES.—The Council shall be responsible for—

(1) soliciting, reviewing, and evaluating project proposals and developing recommendations concerning such proposals based on the factors specified in section 104(c)(3);

(2) submitting to the Secretary a list of recommended projects, including a recommended priority order and any recommendation as to whether a project should be carried out by the Secretary or by another Federal department or agency under section 104(g);

(3) developing and transmitting to Congress a national strategy for restoration of estuary habitat;

(4) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this title and, as necessary, updating the national strategy; and

(5) providing advice on the development of the database, monitoring standards, and report required under sections 107 and 108.

(c) MEMBERSHIP.—The Council shall be composed of the following members:

(1) The Secretary (or the Secretary’s designee).

(2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary’s designee).

(3) The Administrator of the Environmental Protection Agency (or the Administrator’s designee).

(4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or such Secretary’s designee).

(5) The Secretary of Agriculture (or such Secretary’s designee).

(6) The head of any other Federal agency designated by the President to serve as an ex officio member of the Council.

(d) PROHIBITION OF COMPENSATION.—Members of the Council may not receive compensation for their service as members of the Council.

(e) CHAIRPERSON.—The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of fewer than 3 years.

(f) CONVENING OF COUNCIL.—

(1) FIRST MEETING.—The Secretary shall convene the first meeting of the Council not later than 60 days after the date of enactment of this Act for the purpose of electing a chairperson. Deadline.

(2) ADDITIONAL MEETINGS.—The chairperson shall convene additional meetings of the Council as often as appropriate to ensure that this title is fully carried out, but not less often than annually.

(g) COUNCIL PROCEDURES.—The Council shall establish procedures for voting, the conduct of meetings, and other matters, as necessary.

(h) PUBLIC PARTICIPATION.—Meetings of the Council shall be open to the public. The Council shall provide notice to the public of such meetings.

(i) ADVICE.—The Council shall consult with persons with recognized scientific expertise in estuary or estuary habitat restoration, representatives of State agencies, local or regional government agencies, and nongovernmental organizations with expertise in estuary or estuary habitat restoration, and representatives of Indian tribes, agricultural interests, fishing interests, and other estuary users—

(1) to assist the Council in the development of the estuary habitat restoration strategy to be developed under section 106; and

(2) to provide advice and recommendations to the Council on proposed estuary habitat restoration projects, including advice on the scientific merit, technical merit, and feasibility of a project.

SEC. 106. ESTUARY HABITAT RESTORATION STRATEGY.

33 USC 2905.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Council, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat. Deadline.

(b) GOAL.—The goal of the strategy shall be the restoration of 1,000,000 acres of estuary habitat by the year 2010.

(c) INTEGRATION OF ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Council shall—

(1) conduct a review of estuary management or habitat restoration plans and Federal programs established under other laws that authorize funding for estuary habitat restoration activities; and

(2) ensure that the estuary habitat restoration strategy is developed in a manner that is consistent with the estuary management or habitat restoration plans.

(d) **ELEMENTS OF THE STRATEGY.**—The estuary habitat restoration strategy shall include proposals, methods, and guidance on—

(1) maximizing the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects and the use of Federal resources to encourage increased private sector involvement in estuary habitat restoration activities;

(2) ensuring that the estuary habitat restoration strategy will be implemented in a manner that is consistent with the estuary management or habitat restoration plans;

(3) promoting estuary habitat restoration projects to—

(A) provide healthy ecosystems in order to support—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) improve surface and ground water quality and quantity, and flood control;

(C) provide outdoor recreation; and

(D) address other areas of concern that the Council determines to be appropriate for consideration;

(4) addressing the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat;

(5) measuring the rate of change for each type of estuary habitat;

(6) selecting a balance of smaller and larger estuary habitat restoration projects; and

(7) ensuring equitable geographic distribution of projects funded under this title.

Federal Register,
publication.

(e) **PUBLIC REVIEW AND COMMENT.**—Before the Council adopts a final or revised estuary habitat restoration strategy, the Secretary shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) **PERIODIC REVISION.**—Using data and information developed through project monitoring and management, and other relevant information, the Council may periodically review and update, as necessary, the estuary habitat restoration strategy.

33 USC 2906.

SEC. 107. MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) **UNDER SECRETARY.**—In this section, the term “Under Secretary” means the Under Secretary for Oceans and Atmosphere of the Department of Commerce.

(b) **DATABASE OF RESTORATION PROJECT INFORMATION.**—The Under Secretary, in consultation with the Council, shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects carried out under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(c) **MONITORING DATA STANDARDS.**—The Under Secretary, in consultation with the Council, shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(d) **COORDINATION OF DATA.**—The Under Secretary shall compile information that pertains to estuary habitat restoration projects from other Federal, State, and local sources and that meets the quality control requirements and data standards established under this section.

(e) **USE OF EXISTING PROGRAMS.**—The Under Secretary shall use existing programs within the National Oceanic and Atmospheric Administration to create and maintain the database required under this section.

(f) **PUBLIC AVAILABILITY.**—The Under Secretary shall make the information collected and maintained under this section available to the public.

SEC. 108. REPORTING.

33 USC 2907.

(a) **IN GENERAL.**—At the end of the third and fifth fiscal years following the date of enactment of this Act, the Secretary, after considering the advice and recommendations of the Council, shall transmit to Congress a report on the results of activities carried out under this title.

(b) **CONTENTS OF REPORT.**—A report under subsection (a) shall include—

(1) data on the number of acres of estuary habitat restored under this title, including descriptions of, and partners involved with, projects selected, in progress, and completed under this title that comprise those acres;

(2) information from the database established under section 107(b) related to ongoing monitoring of projects to ensure that short-term and long-term restoration goals are achieved;

(3) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(4) a review of how the information described in paragraphs (1) through (3) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(5) a review of efforts made to maintain an appropriate database of restoration projects carried out under this title; and

(6) a review of the measures taken to provide the information described in paragraphs (1) through (3) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 109. FUNDING.

33 USC 2908.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **ESTUARY HABITAT RESTORATION PROJECTS.**—There is authorized to be appropriated to the Secretary for carrying out and providing technical assistance for estuary habitat restoration projects—

(A) \$40,000,000 for fiscal year 2001;

(B) \$50,000,000 for each of fiscal years 2002 and 2003;

(C) \$60,000,000 for fiscal year 2004; and

(D) \$75,000,000 for fiscal year 2005.

Such sums shall remain available until expended.

(2) **MONITORING.**—There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects carried out under this title, \$1,500,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

(b) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF THE COUNCIL.—Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) or \$1,500,000, whichever is greater, may be used by the Secretary for administration and operation of the Council.

33 USC 2909.

SEC. 110. GENERAL PROVISIONS.

(a) AGENCY CONSULTATION AND COORDINATION.—In carrying out this title, the Secretary shall, as necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal departments and agencies.

(b) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.—In carrying out this title, the Secretary may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

(c) FEDERAL AGENCY FACILITIES AND PERSONNEL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this title.

(d) IDENTIFICATION AND MAPPING OF DREDGED MATERIAL DISPOSAL SITES.—In consultation with appropriate Federal and non-Federal public entities, the Secretary shall undertake, and update as warranted by changed conditions, surveys to identify and map sites appropriate for beneficial uses of dredged material for the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands, in order to further the purposes of this title.

(e) STUDY OF BIOREMEDIATION TECHNOLOGY.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, with the participation of the estuarine scientific community, shall begin a 2-year study on the efficacy of bioremediation products.

(2) REQUIREMENTS.—The study shall—

(A) evaluate and assess bioremediation technology—

(i) on low-level petroleum hydrocarbon contamination from recreational boat bilges;

(ii) on low-level petroleum hydrocarbon contamination from stormwater discharges;

(iii) on nonpoint petroleum hydrocarbon discharges; and

(iv) as a first response tool for petroleum hydrocarbon spills; and

(B) recommend management actions to optimize the return of a healthy and balanced ecosystem and make improvements in the quality and character of estuarine waters.

III. Data

OMB Number: 0648-0400.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 323.

Estimated Time Per Response: 15 minutes for an interview; and 15 minutes for a vessel captain/owner to gather business information.

Estimated Total Annual Burden Hours: 793.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 31, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-3002 Filed 2-6-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 020303G]

Proposed Information Collection; Comment Request; American Fisheries Act, Recordkeeping and Reporting Requirements.

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and

respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 8, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden at 907-586-7228, or at patsy.bearden@noaa.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

The American Fisheries Act (AFA) established an allocation program for the pollock fishery of the Bering Sea and Aleutian Islands Management Area (BSAI) which imposed major structural changes on the BSAI pollock fishery. The AFA provides the BSAI pollock fleet the opportunity to conduct their fishery in a more rational manner, while protecting non-AFA participants in the other fisheries. The AFA also affected the management of other groundfish, crab, and scallop fisheries off Alaska.

Much of the monitoring and enforcement burden is placed on participating AFA cooperatives and their members, which allows NOAA to manage the pollock fishery more precisely. Monitoring their own catch, vessels are able to individually (and in aggregate) come very close to harvesting exactly the amount of pollock they were allocated. NOAA requires certain reports and information to allow it to manage the fishery and monitor the program.

II. Method of Collection

Shoreside processor logbooks are submitted electronically. Other reports may be e-mailed, FAXed or submitted in paper form.

III. Data

OMB Number: 0648-0401.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, individuals or households, and not-for-profit institutions.

Estimated Number of Respondents: 26.

Estimated Time Per Response: 20 hours for a cooperative preliminary report; 8 hours for a cooperative final report; 30 minutes for a non-member vessel contract fishing application; 35 minutes for a shoreside processor electronic logbook (SPELR); 5 minutes for a cooperative pollock catch report; and 5 minutes for a designation of agent for service of process.

Estimated Total Annual Burden Hours: 1,024.

Estimated Total Annual Cost to Public: \$636.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 31, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-3084 Filed 2-6-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 020303H]

Proposed Information Collection; Comment Request; Estuary Restoration Act Database

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on

proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 8, 2003.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Becky Allee, NMFS Restoration Center, 1315 East-West Highway, F/HC3, Silver Spring, MD 20910 (or via Internet at becky.allee@noaa.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

Collection of estuary habitat restoration project information (e.g., location, habitat type, goals, status, monitoring information) will be undertaken in order to populate a restoration project database mandated by the Estuary Restoration Act (ERA) of 2000. The Estuary Restoration Act Database is to contain information for estuary habitat restoration projects funded through the ERA as well as non-ERA project data that meet quality control requirements and data standards established under the Act. The database is intended to provide information to improve restoration methods, provide the basis for required reports to Congress, and track estuary habitat acreage restored. It will be accessible to the public via Internet for data queries and project reports. Recipients of ERA funds will be required to submit specific information on habitat restoration projects into the ERA Database through an interactive Web site available over the Internet. Projects that are not funded through the ERA can be voluntarily entered into the database by project managers. Other federal agency and private grant programs may also require recipients to enter project information in the ERA database.

II. Method of Collection

Project managers will electronically submit estuary restoration project information via NOAA's Estuary Restoration Act Database Web site. The Web site will contain a user-friendly data entry interface for project managers to enter and submit project information to the ERA database. The data entry

interface will consist of a series of screens, containing several pull-down menus and text boxes, where users can enter specific project information (e.g. location, acreage restored, contacts, monitoring information). To facilitate the collection of information through the data entry interface, NOAA Fisheries will provide worksheets containing database fields that can be downloaded and printed from the Web site. These worksheets can be used by project managers to guide information collection, and can then serve as a reference as project managers enter project information over the Web site. The reporting forms will also be available in paper format to be sent to project managers as necessary.

The collection of estuary habitat restoration project information will be undertaken in a multi-phased approach. Project information will first be obtained from existing federal databases, and later from other existing state and regional databases. For projects funded through the Estuary Restoration Act, project managers will be required to enter project information into the database as part of their funding agreement. Submission of project information to the ERA Database may also be required by other public and private restoration financial assistance programs. For other projects implemented by not-for-profit institutions (primary), state, local, tribal governments, businesses and other for-profit organizations, project information can be entered into the database on a voluntary basis. Since database information will be provided by a wide range of respondents, data will be reviewed using a detailed quality assurance/quality control (QA/QC) program prior to being made available to the public. This QA/QC process will also ensure compliance with the Data Quality Act (Section 515). Projects entered into the ERA Database can be updated as new information is obtained but must be updated at least annually for use in database queries and reports.

III. Data

OMB Number: None.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions; state, local, and tribal governments; the Federal government; and business or other for-profit organizations (limited to organizations in the above categories engaging in estuary habitat restoration).

Estimated Number of Respondents: 1,000.

Estimated Time Per Response: One hour per report. This is assuming that

most information needed for the database has already been obtained or is known. Projects in the database must be updated at least annually. Information originally collected and submitted for a project does not need to be collected again to update the project.

Estimated Total Annual Burden

Hours: 1,000.

Estimated Total Annual Cost to Public: None.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 31, 2003.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-3085 Filed 2-6-03; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[ID 020303F]

Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration.

Title: Application Form for Membership on a National Marine Sanctuary Advisory Council.

Form Number(s): None.

OMB Approval Number: 0648-0397.

Type of Request: Regular submission.

Burden Hours: 150.